IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 559 (SS) of 2003
(Old No. 3855/93)

Purnanannd Joshi,
S/o Sri Premanand Joshi,
R/o Raghunath Mohalla,
District – Tehri Garhwal.

……Petitioner.

Versus

1. Special Land Acquisition Officer, Irrigation – II, Tehri Garhwal.
2. District Magistrate Tehri Garhwal.

……Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri I. P. Gairola, learned counsel for the petitioner and Sri N.P. Shah, learned standing counsel for State of Uttarakhand on behalf of respondents.

Learned counsel for both the parties are agree to dispose of the writ petition at its admission stage itself.

By means of this writ petition, petitioner has challenged the order dated 13.01.1993 passed by Special Land Acquisition Officer, Tehri Garhwal by which temporary promotion of the petitioner on the post of Amin, which was granted to him on 05.09.1991, has been cancelled.

Firstly, promotion order dated 05.09.1991, by which promotion was granted to the petitioner, was not passed by the competent authority, as Special Land Acquisition Officer is not the Appointing Authority for the post of Amin. Secondly, it was specifically mentioned in the promotion order that in case anybody is appointed by the Board, petitioner will be reverted to the post of Chainman.

From perusal of record, it reveals that District Magistrate has passed order on 07.01.1993 directing the Special Land Acquisition Officer to cancel the temporary promotion which was provided by him to the petitioner without taking approval from the Competent Authority and in pursuance to that order impugned order has been passed by the Special Land Acquisition Officer.

I do not find any illegality in the impugned order.

Learned counsel for the petitioner has submitted that two persons namely – Sri Shiv Singh Rana and Sri Vikram Singh Rawat, who were junior to the petitioner had been promoted to the post of Amin in the year 1986 whereas the case of the petitioner for promotion was not considered by the respondents. No adverse entry was awarded to the petitioner and action of the respondents granting promotions to juniors by ignoring the petitioner is arbitrary.

Petitioner may make representation before Appropriate Authority for promotion and in case, any post of Amin is vacant, the Authority concerned is directed to consider the case of petitioner for promotion on the post of Amin in accordance with law.

With this direction, writ petition as well as all the pending applications are finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 29, 2007
SKS